

CHIEF JUDGE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-0410RSL
)	
Plaintiff,)	
)	ORDER FOR CONTINUANCE OF
vs.)	TRIAL AND RELATED MATTERS
)	
HARLAN PHILIP JAMES,)	
)	
Defendant.)	
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_____)	

Upon consideration of the parties' Stipulated Motion for Continuance of Trial Date and Related Matters, and the defendant's agreement to continue the trial date until February 13, 2006 (or up to February 17, 2006, if a later date is scheduled),

THE COURT NOW FINDS that pursuant to Title 18, U.S.C. § 3161(h)(8)(A) and § 3161(h)(8)(B)(iv), the ends of justice served by continuing the trial date to February 13, 2006 (or up to February 17, 2006, if a later date is selected), outweigh the best interests of the public and the defendant in a speedy trial, in that, as set forth in the parties' Stipulation, it has been demonstrated that (1) the parties have acted with due diligence in an effort to be prepared for a trial on December 19, 2005; (2) defense counsel has demonstrated that he needs an additional two months to adequately prepare for trial by conducting witness

1 interviews and other investigation; (3) while the crime charged is not a complex offense, the
2 defense investigation is logistically difficult and time consuming because some witnesses to
3 the alleged incident have not yet been identified, all of the witnesses are located on the
4 Lummi Indian Reservation, which is a substantial distance from counsel's office in Seattle,
5 and it will take a number of investigative trips to the Lummi Indian Reservation to identify,
6 locate and obtain interviews with relevant witnesses to this case; (4) the investigation is
7 further complicated by the fact that it appears that some of the individuals who were witnesses
8 to the event may have been intoxicated at the time of the event.

9 IT IS THEREFORE ORDERED that the trial in this matter is continued until February
10 13, 2006.

11 IT IS FURTHER ORDERED that any pretrial motions be filed by January 19, 2006,
12 with any response due on January 26, 2006.

13 IT IS FURTHER ORDERED that for the purposes of computing the time limitations
14 imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174, the period of delay from
15 December 19, 2005, up to and including February 13, 2006 (or up to February 17, 2006, if a

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1 later date is scheduled), is excludable time pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and
2 (h)(8)(B)(iv).

3 DATED this 9th day of December, 2005.

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6 Robert S. Lasnik
United States District Judge

7 Presented by:

8 s/ Michael Filipovic
9 WSBA No. 12319
Assistant Federal Public Defender
10 Attorney for Harlan Philip James
Federal Public Defender's Office
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12 Tel. (206) 553-1100, Fax (206) 553-0120
13 Michael_Filipovic@fd.org

14
15 *Agreed to by stipulation, notice of presentment waived,*
16 *signature approved per telephone authorization:*

17 s/ Carl Blackstone
18 Assistant United States Attorney